

## SUBCHAPTER C—CONTRACTING METHODS AND CONTRACT TYPES

### PART 413—SIMPLIFIED ACQUISITION PROCEDURES

#### Subpart 413.3—Simplified Acquisition Methods

Sec.

413.301 Governmentwide commercial purchase card.

413.306 SF 44, Purchase Order-Invoice-Voucher.

413.307 Forms.

AUTHORITY: 5 U.S.C. 301 and 40 U.S.C. 486(c).

SOURCE: 64 FR 45895, Aug. 23, 1999, unless otherwise noted.

#### Subpart 413.3—Simplified Acquisition Methods

##### 413.301 Governmentwide commercial purchase card.

USDA policy and procedures on use of the Governmentwide commercial purchase card are established in Departmental Regulation Series 5000.

##### 413.306 SF 44, Purchase Order-Invoice-Voucher.

The Standard Form 44 (and the previously prescribed USDA Form AD-744) is not authorized for use within USDA.

##### 413.307 Forms.

Form AD-838, Purchase Order, is prescribed for use by USDA in lieu of Optional Forms 347 and 348.

### PART 414—SEALED BIDDING

#### Subpart 414.2—Solicitation of Bids

Sec.

414.201 Preparation of invitations for bids.

414.201-6 Solicitation provision.

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414.404 Rejection of bids.

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414.407 Mistakes in bids.

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414.409 Information to bidders.

414.409-2 Award of classified contracts.

AUTHORITY: 5 U.S.C. 301 and 40 U.S.C. 486(c).

SOURCE: 61 FR 53646, Oct. 15, 1996, unless otherwise noted.

#### Subpart 414.2—Solicitation of Bids

##### 414.201 Preparation of invitations for bids.

##### 414.201-6 Solicitation provision.

The contracting officer shall insert the provision 452.214-70, Award by Lot, when multiple items are segregated into clearly identifiable lots and the contracting officer wants to reserve the right to award by item within a lot, if award in that manner would be advantageous to the Government.

#### Subpart 414.4—Opening of Bids and Award of Contract

##### 414.404 Rejection of bids.

##### 414.404-1 Cancellation of invitations after opening.

An acquisition official at a level above the contracting officer is authorized to make the determinations under FAR 14.404-1(c) and (e)(1).

##### 414.407 Mistakes in bids.

##### 414.407-3 Other mistakes disclosed before award.

The authority to make the determinations under FAR 14.407-3(a), (b), and (d) is delegated, without power of redelegation, to the head of the contracting activity. The authority to make the determination under FAR 14.407-3(c) is delegated to the contracting officer. Each determination pursuant to FAR 14.407-3 shall have the concurrence of the Office of the General Counsel (OGC).

##### 414.407-4 Mistakes after award.

If a mistake in bid is disclosed after award, the contracting officer shall

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make a final determination in accordance with the provisions of FAR 14.407-4 (b) and (c) and shall coordinate each proposed determination with OGC. Such coordination shall, at a minimum, consist of the contracting officer providing the proposed determination and the case file to OGC for comment.

### 414.409 Information to bidders.

#### 414.409-2 Award of classified contracts.

Disposition of classified information shall be in accordance with Departmental Regulation and Manual (3400 Series) and in accordance with direction issued by the USDA Security Officer, Policy Analysis and Coordination Center—Human Resources Management.

## PART 415—CONTRACTING BY NEGOTIATION

### Subpart 415.2—Solicitation and Receipt of Proposals and Information

Sec.

415.204 Contract format.

415.207 Handling proposals and information.

415.209 Solicitation provisions and contract clauses.

### Subpart 415.3—Source Selection

415.303 Responsibilities.

415.305 Proposal evaluation.

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415.404-4 Profit.

### Subpart 415.5—Preaward, Award, and Postaward Notifications, Protests and Mistakes

415.570 Post-award conference.

### Subpart 415.6—Unsolicited Proposals

415.604 Agency points of contact.

415.606 Agency procedures.

AUTHORITY: 5 U.S.C. 301 and 40 U.S.C. 486(c).

SOURCE: 64 FR 52674, Sept. 30, 1999, unless otherwise noted.

## Subpart 415.2—Solicitation and Receipt of Proposals and Information

### 415.204 Contract format.

The Senior Procurement Executive is authorized to exempt contracts from the uniform contract format.

### 415.207 Handling proposals and information.

(a) Throughout the source selection process, agency personnel and non-Government evaluators with access to proposal information shall disclose neither the number of offerors nor their identity except as authorized by FAR subpart 15.5. (See also FAR 5.403.)

(b) The contracting officer shall obtain the following written agreement from the non-Government evaluator prior to the release of any proposal to that evaluator.

#### AGREEMENT GOVERNING THE USE AND DISCLOSURE OF PROPOSALS

RFP \_\_\_\_\_

Offeror \_\_\_\_\_

1. To the best of my knowledge and belief, no conflict of interest exists that may diminish my capacity to perform an impartial and objective review of the offeror's proposal, or may otherwise result in a biased opinion or an unfair advantage. If a potential conflict of interest arises or if I identify such a conflict, I agree to notify the Government promptly concerning the potential conflict. In determining whether any potential conflict of interest exists, I agree to review whether my or my employer's relationships with other persons or entities, including, but not limited to, ownership of stocks, bonds, other outstanding financial interests or commitments, employment arrangements (past, present, or under consideration), and, to the extent known by me, all financial interests and employment arrangements of my spouse, minor children, and other members of my immediate household, may place me in a position of conflict, real or apparent, with the evaluation proceedings.

2. I agree to use proposal information only for evaluation purposes. I understand that any authorized restriction on disclosure placed upon the proposal by the prospective contractor or subcontractor or by the Government shall be applied to any reproduction or abstracted information of the proposal. I agree to use my best effort to safeguard such information physically, and not to disclose the contents of, or release any information relating to, the proposal(s) to anyone outside of the Source Evaluation Board or other